This report is prepared by the Henrico County Planning Staff to provide information to the Planning Commission and the Board of Supervisors to assist them in making a decision on this application. It may also be useful to others interested in this land use matter.

I. PUBLIC HEARINGS:

Planning Commission: August 11, 2016 Recommended for Approval
Board of Supervisors: September 13, 2016 Pending

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Request: B-2C Business District (Conditional)
Existing Zoning: R-4 One-Family Residence District and B-1 Business District
Acreage: 2.91 acres
Proposed Use: Retail Sales
Location: Northeast intersection of Brook (U.S. Route 1) and Wilkinson Roads
Magisterial District: Fairfield
2026 Comprehensive Plan Recommendation: Commercial Concentration and Suburban Residential 2, density should not exceed 3.4 units per acre
Parcel Numbers: 784-754-6140, -6324, -6505, -7628, -8004, and -8014
Zoning of Surrounding Properties:
   North: B-1 Business District and [R-6C] General Residence District
   South: R-3 One-Family Residence District and B-1 Business District
   East: R-4 One-Family Residence District
   West: R-5 General Residence District, O-1 Office District and B-3C Business District (Conditional)
III. SUMMARY OF STAFF REPORT:
The applicant is proposing to rezone approximately 2.91 acres from B-1 Business District and R-4 One-Family Residence District to B-2C Business District (Conditional) to allow the development of a stand-alone O'Reilly's auto parts store and a small retail center. The 2026 Comprehensive Plan recommends Commercial Concentration and Suburban Residential 2, density should not exceed 3.4 units per acre, for the site. The subject property is located at the northeast intersection of Brook (U.S. Route 1) and Wilkinson Roads. Part of it is located in the county's Enterprise Zone and the entire site is within the Brook Road Corridor Revitalization/Reinvestment Opportunity Area identified in the Comprehensive Plan.

This request is similar to one filed in 2006 (C-054C-06). The case was denied by the Board of Supervisors because it failed to include proffered conditions deemed necessary to lessen the impact of business zoning on the adjacent residential developments in the area.

The applicant has met with existing neighborhood residents and members of the Northern Henrico Civic Association. At those meetings members of the association expressed general support for developing the property to provide added services for the community; however, concerns were also raised by nearby neighbors regarding traffic on Wilkinson Road, as well as the possible precedent-setting effects of expanding business zoning to areas east of Brook Road.

In an effort to address concerns identified in the previous rezoning case, as well as issues expressed by neighbors and members of the civic association, the applicant has submitted proffers to lessen the impact of the proposed use on the adjacent residential developments. Restricting access to Seminary Avenue and incorporating a wall along the eastern property line should assist in buffering the development from residential uses. Staff can support this request.

At their August 11, 2016 public hearing, the Planning Commission recommended approval of this request.

IV. LAND USE ANALYSIS AND IMPLICATIONS:
The site is located at the northeast corner of the intersection of Brook and Wilkinson Roads and includes approximately 480 feet of frontage along Brook Road. The property is approximately one block of the old Vaughan Heights subdivision and is bounded on all four sides by rights-of-way: Brook Road to the west, Wilkinson Road to the south, Seminary Avenue (partially improved) to the east, and Beecham Road (unimproved) to the north. An alley traverses the property in a north/south direction. The applicant has indicated their intent to have Beecham Road and the alley vacated.

The western half of the property between the alley and Brook Road is zoned B-1. A small thrift store operates on a portion of the site. The eastern half of the property is zoned R-4 and includes two single-family dwellings. Most of the property is vacant and includes stands of mature trees. Surrounding development includes single-family residential uses to the east, strip retail and single-family residential uses to the south, St. Joseph's Villa to the west across Brook Road, and a Wal-Mart Supercenter and other intense commercial uses to the north.

To the south, commercial lots are typically 130 to 170 feet deep with residential lots immediately to the rear. Many of these commercial sites were originally platted as part of residential neighborhoods and may not lend themselves to desirable site design associated with contemporary development. For example, several neighboring sites depend on alleys to provide primary buffer areas. The subject property also serves as a gateway to large, established residential areas to the east along Wilkinson Road and is in close proximity to St Josephs' Villa.
The applicant proposes to develop a small retail strip center, anchored by an O'Reilly's auto parts store on the corner in general conformance with the proffered conceptual plan. One access point would be provided from both Wilkinson and Brook Roads. Unlike the 2006 rezoning case, there would be no access onto Seminary Avenue. In addition to a proffered conceptual plan, the applicant has submitted a number of proffers, including:

- Architectural elevations and materials.
- A screening wall consisting of a textured precast concrete product which simulates masonry, a minimum of six (6) feet in height shall be provided parallel to the eastern property line along Seminary Avenue.
- A landscaped strip a minimum of 25-feet in width shall be provided along the western boundary line, extending around the entrance on Wilkinson Road. Landscaping shall be provided per the West Broad Street Overlay standards.
- Parking lot cleaning shall be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Friday, exclusive of snow removal. There shall be no trash pickup between the hours of 7:00 p.m. and 7:00 a.m.
- Sidewalks will be installed or refurbished in the rights-of-way for Brook and Wilkinson Roads.
- Signage will be limited to six (6) feet in height.

Other proffers include use restrictions, BMPs, loading docks, and underground utilities.

The 2026 Comprehensive Plan designates the three (3) parcels fronting Brook Road as Commercial Concentration (CC) while the three (3) parcels along Seminary Avenue are designated as Suburban Residential 2, (SR2) density not to exceed 3.4 units per acre. The proposed uses are consistent with the commercial designation (CC) of the Comprehensive Plan recommendation but not with the residential (SR2) designation. Incorporating the residential acreage, however, provides an opportunity for a better designed project, by allowing enough area to incorporate a wall across the eastern property line, buffering the uses from Seminary Avenue and excluding access to the residential street. Staff can support this request.

At their August 11, 2016 public hearing, the Planning Commission recommended approval of this request.

V. COMPREHENSIVE PLAN ANALYSIS:

2026 Comprehensive Plan Recommendation:
The 2026 Comprehensive Plan recommends Commercial Concentration (CC) and Suburban Residential 2, (SR2) density should not exceed 3.4 units per acre. The proposed uses are consistent with the CC designation but not with SR2. Including the residential acreage, however, provides an opportunity for a better designed project. Properly designed and regulated, this project could be an acceptable deviation from the plan recommendation.

Vision, Goals, Objectives and Policies:
This request is most consistent with the following Goals, Objectives and Policies of the 2026 Comprehensive Plan:

- Infrastructure/Service Provision & Growth Coordination Objective 6: Encourage the sensitive infill development of vacant or underutilized parcels in more developed areas of the county to more efficiently utilize existing public facilities.
- Land Use and Community Character Objective 3: Encourage new growth and development that takes into account location and availability of infrastructure and services.
• Land Use and Community Character Objective 39: Protect existing development and residential areas from encroachment by incompatible or inappropriate land uses.

VI. PUBLIC SERVICE AND SITE CONSIDERATIONS:

Major Thoroughfare and Transportation:
The applicant proposes retail sales. The following is the approximate trips generated by the proposed development:

Total Weekday Trips: 2500 – (1250 entering, 1250 exiting)
AM Peak: 110 entering, 100 exiting
PM Peak: 50 entering, 60 exiting

Wilkinson Road will need to be widened to its ultimate section with curb and gutter as shown on the Conceptual Site Plan. The existing right turn lane on Brook Road in front of the site will need to be extended as far south as possible as shown on the Conceptual Site Plan. These improvements should be proffered.

A chorded right-of-way in the northwest corner of Wilkinson Road and Seminary Avenue will need to be dedicated to facilitate any future sidewalk around the radius.

Virginia Department of Transportation:
The proposed entrance needs to be 305-feet away from the Wilkinson Road intersection and the Walmart entrance. From the schematic, the entrance does not appear to meet this spacing. Therefore, a spacing waiver will be needed for review.

Public Utilities Services:
County water is located in the Beecham Drive right-of-way as well as Brook Road. County sewer is located at Wilkinson Road and Seminary Avenue. There is also sewer on the opposite side of Brook Road (State Route 1).

Drainage:
- All proposed improvements must comply with all applicable Department of Public Works plan of development requirements.
- The site is located within a 50/10 detention area and must comply with applicable regulations.
- The site must comply with applicable stormwater quality and quantity requirements.
- Based on GIS, Waters of the U.S. and/or hydric soils are present (indicating possible wetlands). Corps of Engineers and DEQ permits may be required.

Schools:
This rezoning request does not involve the addition of any housing and thus does not have any educational impacts.

Division of Fire:
No comments.

Division of Police:
The applicant is encouraged to contact and work with the Special Services Unit within the Division of Police for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts as a subdivision is drafted to be submitted for review.

Recreation and Parks Department:
No park or recreation facilities, historical, or archeological impact.
Staff Comments: Two of the parcels have homes that are not architecturally or historically significant. Several of the parcels front on Brook Road, which is designated as Historic U.S. Route 1. The 2003 Brook Road Enhancement Study developed a revitalization strategy for the Brook Road corridor. This report suggests guidelines for architecture, landscaping, sidewalks, signage and lighting. The proposed use and plans meet the recommendations in the study. Historic St. Joseph's Villa (043-0195) is located northwest of these parcels on Brook Road and these parcels are located in the Civil War battlefield core area known as (043-5108) Yellow Tavern. (For information only.)

Libraries:
No comments.

Topography and Land Characteristics Adaptability:
There are no known topographic reasons why the site cannot be used as proposed.
Pursuant to Section 24-121 (b) of the County Code, the owner or duly authorized agent* hereby voluntarily proffers the following conditions which shall be applicable to the property, if rezoned:

James W. Theobald, Atty-in-Fact
August 4, 2016

*If applicant is other than Owner, the Special Limited Power of Attorney must be submitted with this application

REZ 2016-00028
SECOND AMENDED AND RESTATED PROFFERED CONDITIONS

1. Concept Plan. The Property shall be developed in general conformance with the conceptual rendering attached hereto entitled “7701 Brook Road Retail Development Conceptual Site Layout #3 (CP-3)” (the “Concept Plan”), dated June 15, 2016, prepared by Willmark Engineering, PLC, which Concept Plan is conceptual in nature and may vary in detail, unless otherwise requested by the owner and specifically approved at the time of Plan of Development.

2. Landscaping. A landscaped strip a minimum of twenty-five (25) feet in width shall be provided along the western boundary line of the Property and extending around the southern boundary line to the entrance on Wilkinson Road, all as generally shown on the Concept Plan. Landscaping shall be provided per the West Broad Street Overlay standards set forth in Section 24-92.3(e)(2) of the Henrico County Code. Sidewalks, utility easements, fencing/walls and signage shall be permitted within such buffer.

3. Wall. A screening wall consisting of a textured precast concrete product which simulates masonry, a minimum of six (6) feet in height, shall be provided parallel to the rear (eastern) property line along Seminary Avenue as shown on the Concept Plan. Both sides of such wall are to be of a color and brick pattern texture similar to the main building to be constructed, unless otherwise requested and specifically approved at the time of Plan of Development.

4. Best Management Practice. Any Best Management Practice structures shall be located outside of the required buffers, except as a landscaping amenity, water-related feature or incorporated as a rain-garden type BMP with landscaping and if specifically permitted at the time of Plan of Development. Any above-ground wet Best Management Practice structure shall include an aeration feature to move water within such structure.
5. **Loading Docks.** Any loading docks, not to include doors for at-grade deliveries, shall be screened from public view at ground level as approved at the time of Plan of Development by use of a wall, landscaping, or such other method as may be approved at the time of Plan of Development.

6. **Trash Receptacles/Recycling Activities.** Dumpsters, trash receptacles, not including convenience cans, and recycling receptacles shall be screened from public view with masonry enclosures compatible with the architectural design of the buildings at ground level at the Property lines as approved at the time of Plan of Development. The gates and doors on the masonry refuse screens shall be of a substantial and durable material as determined at the time of Plan of Development. Convenience cans shall be within or part of a decorative container. There shall be no trash pickup between the hours of 7:00 p.m. and 7:00 a.m.

7. **Parking Lot Cleaning.** Parking lot cleaning on the Property shall be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Friday, exclusive of snow removal. There shall be no parking lot cleaning on Saturdays or Sundays, exclusive of snow removal.

8. **Drainage and Utilities.** Except for junction boxes, meters, pedestals, transformers, transmission mains, relocated and/or existing overhead utility lines or for technical or environmental reasons, all new utility lines shall be underground.

9. **Parking Lot and Exterior Lighting.** Parking lot lighting standards within the Property shall not exceed twenty-five (25) feet in height as measured from the grade of the lighting standard and shall not exceed twenty (20) feet in height as measured from the grade of the lighting standard within one hundred (100) feet from Seminary Avenue, except as otherwise permitted at the time of Plan of Development. Parking lot lighting on the Property shall be produced from concealed lighting sources to minimize the impact of such lighting on adjacent properties, unless otherwise permitted at the time of Plan of Development. Such lighting shall be reduced to no more than a security level following the close of business operations each day. The exterior lighting on the Property shall be designed with a cohesive plan so that all exterior lighting shall use compatible design elements.

10. **Road Amenities.** Sidewalks shall be installed or refurbished in the rights-of-way for Brook Road and Wilkinson Road parallel to the boundary line of the Property. These sidewalks shall be constructed to the Virginia Department of Transportation and Department of Public Work's standards. Street level lighting shall be provided along the sidewalk on Brook Road as may be required during Plan of Development.

11. **Speakers.** No public address, speaker or paging systems shall be audible beyond the boundary line of the Property.

12. **Use Restrictions.** The following uses shall be prohibited:
a. Laundromats and self-service dry-cleaning establishments;
b. Lodge and fraternal organizations;
c. Automotive filling and service stations including towing service and convenience stores with gas;
d. Self-storage facilities;
e. Off-track betting parlors;
f. Sewer/water pump stations;
g. Skating rinks (unless such ice skating areas are an amenity of the pedestrian-oriented shopping center), roller skating rinks, model racing tracks, electronic video game rooms, bingo halls and billiard parlors unless such billiard parlors are associated with a restaurant;
h. Flea markets or antique auctions;
i. Billboards;
j. Permanent on-site recycling collection facilities;
k. Funeral homes, mortuaries, crematories and/or undertaking establishments;
l. Dance halls;
m. Truck stops;
n. Gun shop, sales and repairs, except that such sales and repairs shall be permitted in a store that sells a variety of sporting goods;
o. Hotels, motels and motor lodges;
p. Parking lots, commercial (nothing herein shall preclude parking lots as an accessory use to a principally permitted use);
q. Sign printing and painting shops;
r. Communication towers, not to exclude, however, any concealed antennae array for communications if approved through the Provisional Use Permit process;
s. Restaurants with drive-thru windows, not to exclude, however, restaurants with drive-thru windows which primarily serve coffee, donuts, pastries, bagels, breads and ice cream, unless otherwise requested and specifically permitted at the time of Plan of Development;
t. Car washes;
u. General hospitals, sanitoriums and charitable institutions for human care;
v. Adult businesses as defined by Section 24-3 of the Henrico County Code;
w. Establishments whose primary business is check cashing and/or the making of payday loans as defined and regulated by Sections 6.2-2100 et seq. and 6.2-1800 et seq. of the Code of Virginia (the foregoing shall not preclude banks, savings and loans or similar financial institutions that are not regulated by the foregoing Virginia Code sections);
x. Bars, which, for purposes of this restriction, shall mean a business establishment whose primary business is the sale of alcoholic beverages for on-premises consumption. This restriction shall not prohibit the sale of alcoholic beverages in restaurants as licensed by the Virginia Department of Alcoholic Beverage Control;
y. Car title loan operations; and
z. Radio/TV stations.

13. **Signage.** Any detached signs shall be ground mounted, monumental-type signs and shall not exceed six (6) feet in height.
14. **Exterior Elevations.** Any buildings constructed on the Property shall be generally in conformance with the elevations attached hereto as “O’Reilly Front”, “Oreilly Side” and “Shops Front”, unless otherwise requested and specifically approved at the time of Plan of Development. All buildings on the Property shall have exposed exterior walls (above finished grade and exclusive of architectural features, windows and doors) constructed of masonry brick, stone, precast concrete, exterior insulating finishing system (E.I.F.S.) and/or glass and may have varying amounts of these exterior materials or an equivalent permanent architecturally finished material, unless different architectural treatment and/or materials are requested and specifically permitted at the time of Plan of Development. The rear of any buildings shall use the same materials or shall have a similar or compatible appearance and architectural design as on the front of the building in order to reduce the visual impact on surrounding residential properties, including screening from view of the boundary line of the Property of HVAC and utility systems. No building on the Property shall be covered with or have exposed to view any painted or unfinished concrete block, sheet or corrugated aluminum, iron and/or steel or other materials unless requested and specifically permitted at the time of Plan of Development.

15. **Deliveries.** All leases with tenants shall include language limiting delivery vehicles entering and exiting the Property via Brook Road.

16. **Severance.** The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.

17. **Wilkinson Road Improvements.** Wilkinson Road shall be widened to its ultimate section with curb and gutter as shown on the Concept Plan. The existing right turn lane on Brook Road in front of the Property shall be extended as far south as possible as shown on the Concept Plan.

ROBERT B. BALL, SR. FAMILY LLC
THE ESTATES OF ROBERT BALL SR. AND EDNA BAL

By: James W. Theobald, Attorney-in-Fact
Date: August 4, 2016

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